IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

SECOND APPEAL NO.1048 OF 2005
WITH
CIVIL APPLICATION NO.1561 OF 2005

Randhir Singh Laxman Singh Sisodiya. ...Appellant.
Vs.
Pune Municipal Corporation & Anr. ...Respondents.
....
Mr. S. D. Dharmadhikari for the Appellant.
Mrs. Geeta Joglekar for the Respondents.
.....

CORAM : DR. D.Y. CHANDRACHUD, J.

November 19, 2005.

P.C.:

The permission which was granted to the Appellant was a temporary permission for a period of one year on 21st August 1982 for erection of a stall. The permission expired. Appendix II to the Development Control Rules for the Pune Municipal Corporation area provides for such a permission for a period of not more than one year at a time and for an aggregate period of not more than three years. In the circumstances, the Appellant has no vested right to the continuance of the stall after the expiry of the temporary permission.

Under Section 253 of the Bombay Provincial Municipal Corporations Act, 1949, every person who intends to erect a building is required to furnish intimation of his intention to the Municipal Commissioner and to obtain permission for such erection. The expression 'building' is defined in Section 2(5) to include a house, out-house, stable, shed, hut and other enclosure or structure. Hence, the Appellant was required to obtain permission. The permission granted for a temporary period has expired.

No substantial question of law arises in this Second Appeal. The appeal is dismissed.

In view of the disposal of the appeal, the Civil Application is rendered infructuous and is accordingly disposed of.

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